

**SUPREME COURT MINUTES
THURSDAY, NOVEMBER 15, 2007
SAN FRANCISCO, CALIFORNIA**

S055130**PEOPLE v. MORGAN (EDWARD P.)**

We reverse the simple kidnapping conviction and the kidnapping-murder special circumstance and otherwise affirm the judgment.

Opinion by: Chin, J.

-----joined by: George, C. J., Kennard, Baxter, Werdegarr, Moreno, and Corrigan, JJ.

S105569**BELL (RONALD) ON H.C.**

Our order to show cause was limited to the claims that petitioner was actually innocent of the crimes of Wolff's Jewelry Store and that his convictions were the unlawful product of false testimony. Bell's other claims and his petition for writ of habeas corpus will be resolved by a separate order, as is our practice. (See *In re Freeman*, supra, 38 Cal.4th at p. 652.) The order to show cause is discharged.

Opinion by: Baxter, J.

-----joined by: George, C. J., Kennard, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S157912 A119359 First Appellate District, Div. 2
Petition for review and application for stay denied.

ABELLAN v. S.C. (ABELLAN)

S158094 B202636 Second Appellate District, Div. 8

**CORPORATE BUILDERS, INC.
v. S.C. (TILEM)**

Petition for review and application for stay denied.

S027094**PEOPLE v. ELLIOTT
(MARCHAND)**

Good cause appearing, and based upon Deputy Attorney General Thomas C. Hsieh's representation that he anticipates filing the respondent's brief by July 30, 2008, counsel's request for an extension of time in which to file that brief is granted to January 28, 2008. After that date, only three further extensions totaling about 180 additional days are contemplated.

S030402**PEOPLE v. TULLY (RICHARD C.)**

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the appellant's reply brief by December 31, 2008, counsel's request for an extension of time in which to file that brief is granted to January 2, 2008. After that date, only six further extensions totaling about 360 additional days will be granted.

S033149**PEOPLE v. WEAVER (LATWON R.)**

Good cause appearing, and based upon counsel James Thomson's representation that he anticipates filing the response in opposition to respondent's application to unseal portions of the reporter's and clerk's transcripts by December 17, 2007, counsel's request for an extension of time in which to file that brief is granted to December 17, 2007.

S047868**PEOPLE v. GEORGE (JOHNATON S.)**

Good cause appearing, and based upon Deputy Attorney General Holly D. Wilken's representation that she anticipates filing the respondent's brief by April 14, 2008, counsel's request for an extension of time in which to file that brief is granted to January 15, 2008. After that date, only two further extensions totaling about 90 additional days are contemplated.

S050102**PEOPLE v. HENSLEY (PAUL L.)**

Good cause appearing, and based upon counsel Richard L. Rubin's representation that he anticipates filing the appellant's opening brief by January 2008, counsel's request for an extension of time in which to file that brief is granted to January 14, 2008. After that date, no further extension is contemplated.

S066940**PEOPLE v. CLARK (WILLIAM)**

Good cause appearing, and based upon counsel Peter Giannini's representation that he anticipates filing the reply brief by April 30, 2008, counsel's request for an extension of time in which to file that brief is granted to January 9, 2008. After that date, only two further extensions totaling about 110 additional days will be granted.

S067519**PEOPLE v. THOMAS (KEITH)**

Good cause appearing, and based upon Deputy Attorney General Amy Haddix's representation that she anticipates filing the respondent's brief by January 11, 2008, counsel's request for an extension of time in which to file that brief is granted to January 11, 2008. After that date, no further extension is contemplated.

S080056**PEOPLE v. BELL (MICHAEL)**

Good cause appearing, and based upon counsel Raymond L. Girard's representation that he anticipates filing the appellant's opening brief by March 2008, counsel's request for an extension of time in which to file that brief is granted to January 4, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

S080550**PEOPLE v. LEE (PHILIAN)**

Good cause appearing, and based upon Deputy Attorney General Marilyn George's representation that she anticipates filing the respondent's brief by February 11, 2008, counsel's request for an extension of time in which to file that brief is granted to January 11, 2008. After that date, only one further extension totaling about 30 additional days is contemplated.

S081918**PEOPLE v. MCKINZIE
(KENNETH)**

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 9, 2008.

S089609**PEOPLE v. DELGADO
(ANTHONY)**

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 14, 2008.

S092615**PEOPLE v. DEEN (OMAR
RICHARD)**

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 18, 2008.

S097886**PEOPLE v. ZARAGOZA (LOUIS RANGEL)**

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 7, 2008.

S144759**BLAIR (JAMES) ON H.C.**

Appellant's request for relief from default is granted.

Good cause appearing, and based upon counsel David A. Nickerson's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by December 3, 2007, counsel's request for an extension of time in which to file that document is granted to December 3, 2007. After that date, no further extension is contemplated.

S146472**HOYOS (JAIME) ON H.C.**

Good cause appearing, and based upon counsel Michael R. Snedeker's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 15, 2008, counsel's request for an extension of time in which to file that document is granted to January 15, 2008. After that date, no further extension is contemplated.

S151264**MIRANDA (ADAM) ON H.C.**

Good cause appearing, and based upon counsel Kerry R. Bensinger's representation that he anticipates filing the informal reply to the petition for writ of habeas corpus by February 6, 2008, counsel's request for an extension of time in which to file that document is granted to January 7, 2008. After that date, only one further extension totaling about 30 additional days is contemplated.

S157098**BUNYARD (JERRY THOMAS) ON H.C.**

Good cause appearing, and based upon Deputy Attorney General Robert C. Nash's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by April 1, 2008, counsel's request for an extension of time in which to file that document is granted to January 16, 2008. After that date, only two further extensions totaling about 75 additional days are contemplated.

S081148**PEOPLE v. JENNINGS (MARTIN C.)**

"Appellant's Request to File Supplemental Reply Brief Exceeding Page Length Limitation" is granted.

S156263**HERNANDEZ ON DISCIPLINE**

It is hereby ordered that **BERNABE HERNANDEZ, State Bar No. 110671**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S156264**ROBINSON ON DISCIPLINE**

It is ordered that **DAVID M. ROBINSON, State Bar No. 175913**, be suspended from the practice of law for one year and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 75 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 25, 2007. It is ordered that costs be awarded to the State Bar in accordance with Business and Professions Code § 6086.10, and be payable in equal installments prior to February 1 with membership fees for membership years 2008 and 2009. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to § 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

S156265**AXUP ON DISCIPLINE**

It is ordered that **MARK STEWART AXUP, State Bar No. 112876**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 21, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and are enforceable both as provided in Business and Professions Code § 6140.7 and as a money judgment.

S157895**AVANZINO ON RESIGNATION**

The voluntary resignation of **RICHARD HAROLD AVANZINO, State Bar No. 44802**, as a member of the State Bar of California is accepted.

S157896**BIXBY ON RESIGNATION**

The voluntary resignation of **H. RICHARD BIXBY, State Bar No. 40350**, as a member of the State Bar of California is accepted.

S157897**BRIDGER ON RESIGNATION**

The voluntary resignation of **NICHOLAS J. BRIDGER, State Bar No. 144597**, as a member of the State Bar of California is accepted.

S157898**ERWAY ON RESIGNATION**

The voluntary resignation of **CHARLES EUGENE ERWAY III, State Bar No. 84796**, as a member of the State Bar of California is accepted.

S157899**GORMAN ON RESIGNATION**

The voluntary resignation of **MARGARET T. GORMAN, State Bar No. 110584**, as a member of the State Bar of California is accepted.

S157900**HELLER ON RESIGNATION**

The voluntary resignation of **JAMES STEPHEN HELLER, State Bar No. 71164**, as a member of the State Bar of California is accepted.

S157902**JOHNSTON ON RESIGNATION**

The voluntary resignation of **MARILYN K. JOHNSTON, State Bar No. 64260**, as a member of the State Bar of California is accepted.

S157904**MORRISON ON RESIGNATION**

The voluntary resignation of **DOUGLAS EARNEST MORRISON, State Bar No. 47003**, as a member of the State Bar of California is accepted.

S157905**RUHL ON RESIGNATION**

The voluntary resignation of **JAMES F. RUHL, State Bar No. 187020**, as a member of the State Bar of California is accepted.

S157907**SELBER ON RESIGNATION**

The voluntary resignation of **BERNARD S. SELBER, State Bar No. 18004**, as a member of the State Bar of California is accepted.

S157908**THORNTON ON RESIGNATION**

The voluntary resignation of **D. MCCARTY THORNTON IV, State Bar No. 55074**, as a member of the State Bar of California is accepted.

S157909**NIGGEMEYER ON
RESIGNATION**

The voluntary resignation of **KATHLEEN ANN NIGGEMYER, State Bar No. 224225**, as a member of the State Bar of California is accepted.

